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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,618	03/15/2004	Ryan Alan Danner	10-016	8403

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EXAMINER	
MAUNG, ZARNI	
ART UNIT	**PAPER NUMBER**
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,618	DANNER ET AL.	
	Examiner	Art Unit	
	Zarni Maung	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the continuation application filed on March 15, 2004.

Claims 1-36 are presented for examination.

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-36 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No.6,711,618 (hereinafter '618 Patent). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are directed to common subject matter as follows.

As per claims 1-36, '618 patent teaches all limitation recited in claims 1-36 of the

present invention except '618 patent further teaches the additional limitations "wherein: the step of generating the first HTML page includes inserting a first XML-based voice web application parameter and terminating the first web application instance upon sending the first HTML page; the step of generating the second HTML page includes (1) initiating the second web application instance, following termination of the first web application instance, in response to the selection thereof based on identifying the first application state specified in the data record, and (2) inserting a second XML-based voice web application parameter, the first and second HTML pages representing respective application states of a web-enabled voice messaging session with the user". However, it would have been obvious for one of ordinary skill in the art at the time the invention was made to implement the method without using those specific steps. One of ordinary skill in the art could have recognized that same or at least similar results can be obtained using said method.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 4, 15 – 18, 29, 30, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Abramson et al., U.S. Patent No. 6,539,494 (hereinafter Abramson.)

4. As to claims 1, 15, and 29, Abramson teaches the invention as claimed, including receiving a first hypertext markup language request, via a hypertext transport protocol, for a first HTML page for a user (col. 3, lines 40 – 41); generating the first HTML page in response to the first HTML request by executing a first web application instance according to a first application state (Fig. 4, reference character 260; storing a data record that specifies the first application state and a corresponding session identifier (col. 3, lines 45 – 47; col. 4, lines 8 – 9); sending the first HTML page and the session identifier to the user via the HTTP connection (Fig. 4, reference character 260; col. 3, lines 54 - 56; receiving via the HTTP connection a second HTML request for a second HTML page (col. 4, lines 17 – 19); and generating the second HTML page by selectively executing a second web application interface based on the first application state, based on reception of the corresponding session identifier in the second HTML request (col. 4, lines 59 – 61, 65 – 67.)

5. As to claims 2, 16, and 33, Abramson teaches storing user attribute information that specifies attributes about the user in the data record (col. 4, lines 11 – 15.)

6. As to claims 3 and 17, Abramson teaches executing the second web application based on the user attribute information stored in the data record (col. 5, lines 18 – 20.)

7. As to claims 4 and 18, Abramson teaches storing in the user attribute information subscriber profile information that specifies profile and preference settings for the corresponding user (col. 4, lines 11 – 15.)

8. As to claim 30, Abramson teaches that the HTTP interface includes a web server connected to an internet protocol network (Fig. 7.)

9. Claims 1, 2, 5, 11 – 16, 19, 25 – 31, 35, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayeh et al., U.S. Patent No. 6,098,093 (hereinafter Bayeh).

10. As to claims 1, 15, and 29, Bayeh teaches the invention as claimed, including receiving a first hypertext markup language request, via a hypertext transport protocol, for a first HTML page for a user (col. 10, lines 12 - 13); generating the first HTML page in response to the first HTML request by executing a first web application instance according to a first application state (col. 3, lines 28 – 29); storing a data record that specifies the first application state and a corresponding session identifier (col. 11, lines 23 - 27); sending the first HTML page and the session identifier to the user via the HTTP connection (col. 3, lines 25 – 26); receiving via the HTTP connection a second

HTML request for a second HTML page (col. 3, lines 29 - 31); and generating the second HTML page by selectively executing a second web application interface based on the first application state, based on reception of the corresponding session identifier in the second HTML request (col. 10, lines 16 – 22; col. 13, lines 14 – 16.)

11. As to claims 2 and 16, Bayeh teaches executing the second web application based on the user attribute information stored in the data record (col. 3, lines 10 – 13.)

12. As to claims 5, 19, and 31, Bayeh teaches deleting the data record after a prescribed interval (col. 11, lines 53 – 55.)

13. As to claims 11, 25, and 35, Bayeh teaches adding a tag within the first HTML page that includes a uniform resource locator that specifies the session identifier (col. 3, lines 50 – 53.)

14. As to claims 12 and 26, Bayeh teaches detecting the session identifier within the URL specified by the second HTML request (col. 3, lines 40 – 42.)

15. As to claims 13, 27, and 36, Bayeh teaches sending a cookie that includes the session identifier (col. 3, lines 26 – 29.)

16. As to claims 14 and 28, Bayeh teaches detecting the session identifier within a cookie supplied within the second HTML request (col. 3, lines 29 – 35.)

17. As to claim 30, Bayeh teaches that the HTTP interface includes a web server connected to an internet protocol network (inherent in Fig. 2 and col. 8, lines 24 – 26.)

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 6 – 8, 20 – 22, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson as applied to claims 2, 16, and 33 above, and further in view of Extensible Markup Language (XML) 1.0 (hereinafter referred to as "the XML Specification".)

20. As to claims 6, 20, and 34, Abramson teaches the invention as claimed with respect to claims 2, 16, and 33 above. However, Abramson fails to teach that the data record is stored as an XML document.

21. The XML Specification teaches the use and advantages of the XML format (section 1.)

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Abramson with the XML Specification because the XML format enables the data record to be stored quickly, clearly, and concisely (XML Specification, section 1.1), thus rendering the method simpler, easier, and faster.

23. As to claims 7 and 21, the combination of Abramson and the XML Specification teach storing the XML document in a nonvolatile memory locally within the server (inherent in Abramson, col. 4, lines 8 – 10.)

24. As to claims 8 and 22, the combination of Abramson and the XML Specification teaches forwarding the XML document from the nonvolatile memory to a second server requesting the XML document (Abramson, col. 5, lines 51 – 56.)

25. Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Abramson and the XML Specification as applied to claims 6 and 20 above, and further in view of Klug et al., U.S. Patent Application Pub. No. 2001/0011274.

26. As to claims 9 and 23, the combination of Abramson and the XML Specification teach the invention as claimed with respect to claims 6 and 20 above. However, the combination fails to teach storing the document in a nonvolatile memory of a second server in communication with the server or the steps of registering with the second server for corresponding access to the document.

27. Klug teaches storing the document in a nonvolatile memory of a second server in communication with the server and steps of registering with the second server for corresponding access to the document (paragraph 25.)

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klug with the combination of Abramson and the XML Specification because Klug's registration improves the user's web experience (Klug, paragraph 4.)

29. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson as applied to claim 29 above, and further in view of Klug.

30. As to claim 32, Abramson teaches the invention as claimed with respect to claim 29. However, Abramson fails to teach a shared registry for storing the data record, the shared registry configured for supplying the data record to authorized servers.

31. Klug teaches a shared registry for storing the data record, the shared registry configured for supplying the data record to authorized servers (paragraph 25.)

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klug with Abramson because Klug's registration improves the user's web experience (Klug, paragraph 4.)

33. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson as applied to claims 1 and 15 above, and further in view of Pitchford et al., U.S. Patent No. 6,178,457.

34. As to claims 10 and 24, Abramson teaches the invention as claimed with respect to claims 1 and 15 above. Abramson further teaches storing state attributes, generated during execution of the first web application instance and describing the first application state (col. 4, lines 8 – 10.) However, Abramson does not teach registering the first web application instance with a registry and in response creating a registry entry or that the state attributes are stored in the registry entry.

35. Pitchford teaches registering the first web application instance with a registry and in response creating a registry entry and that session information is stored in the registry entry.

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Pitchford with Abramson because Pitchford's registry improves client/server interaction and session persistence (Pitchford, col. 1, lines 38 – 53.)

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 6:30 to 3:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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